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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,172	01/16/2002	Satoshi Inami	2002-0022A	2339

513 7590 04/02/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021	RIMELL, SAMUEL G	

ART UNIT	PAPER NUMBER
2175	4

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	10/046,172	INAMI ET AL.	
	Examiner	Art Unit	
	Sam Rimell	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

Preliminary Note: In the Information Disclosure Statement submitted January 16, 2002,

Examiner notes that the reference "3083805" has not been considered. This is due to the lack of

translation or abstract associated with this document. While applicant does state in the

Information Disclosure that this document correlates with another cited document, Examiner

finds that this document does not fully correlate with any of the cited documents. Accordingly,

the reference "3083805" has not been considered.

The title of the invention is objected to for being overly generic. A new suggested title is:

"A Communications System for Retrieving Instruction Files From a Server". Correction to the

title is required in response to this office action.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lenz (U.S.

Patent 6,029,196).

The reference to Lenz is published more than one year prior to applicant's filing date in

the United States. Accordingly, the reference is applied under 35 USC 102 (b).

Claim 1: Lenz discloses an application executing unit in the form of a browser that

resides on the client (col. 3, lines 44-45). The browser executes application programs, such as e-

mail (col. 3, line 10) or access to news (col. 3, line 10). The retrieval requesting unit is the

computer terminal at the client location (102). As seen in Fig. 1, the retrieval requesting unit (the

terminal at the client location) sends a request to the server (103) to retrieve an instruction file

(configuration file 106) that describes instructions for making transmissions to the server. The processor within the client (102) serves as the transmission processing unit since the processor initiates the transmission (105) to the server and follows the instructions received in response.

Claim 2: The application executing unit is the browser at the client (col. 3, lines 44-45). Upon receipt of the instruction file (configuration file 106), the browser starts executing the application, such as executing connection to an e-mail system or executing connection to a news server (col. 3, lines 9-12 and col. 3, lines 43-46).

Claim 3: The retrieval requesting unit is the client (102). The retrieval requesting unit makes a retrieval request (105) for a specific instruction file (106) which is stored on the server. Communications with the server are made via the web browser (col. 3, lines 42-45).

Claim 4: The instruction file (106) may include information that facilitates transmission to the server or other servers, such as an e-mail address for the client (col. 2, line 42) or security information (col. 4, line 21). The transmission processing unit is the processor within the client computer (102). A processor inherently makes determinations about data being transmitted and received and initiates the transmissions of data. The instructions within the processor that make determinations would thus read as a determination unit and the instructions which initiate transmission would thus be a transmissions unit.

Claim 5: The instruction file (106) that is sent back to the client (102) can include an e-mail address (col. 2, line 42) or security information (col. 4, line 21). Both of these types of information are readable as transmission format specifying data. The transmission processing unit is the processor within the client computer (102). A processor inherently makes determinations about data being transmitted and received and initiates the transmissions of data.

The instructions within the processor that make determinations would thus read as a determination unit and the instruction within the processor that initiate transmissions would thus read as a transmissions unit.

Claim 6: Col. 3, line 10 specifies that the instruction file (106) can include specifications for a news server, which is readable as information for a destination server. Once the data for the news server is configured on the client, the client can then proceed to communicate with the news server (destination server).

Claim 7: Within Lenz the execution of an application is the step of running a browser. As seen in FIG. 1, a retrieval request is made from the client (102) to the server (103) for retrieving an instruction file (configuration file 106) that configures the browser to communicate with the server. The transmission is made to the server and instructions retrieved from the configuration file (106) and utilized by the client (102) in response to the retrieval request.

Claim 8: The browser (application) is executed after the receipt of the instruction file (106) because the information in the instruction file (106) make configuration changes to the browser (col. 3, lines 11-12 and col. 3, lines 43-46).

Claim 9: The retrieval step is made by making a request for retrieval from the client (102). Communications with the server are made via the web browser.

Claim 10: See remarks or claim 4.

Claim 11: See remarks for claim 5.

Claim 12: See remarks for claim 6.

Claim 13: Lenz discloses a server (103) and a communications terminal (102). The server includes instruction files (106) stored in an instruction file storage unit (305). The

instruction file transmitting unit is the processor contained within the server that initiates the transmission to the communications terminal (102). The communications terminal comprises a retrieval requesting unit which is a computer terminal at the client location. An application executing unit is the browser at the client and the transmission processing unit is the processor within the client computer which initiates the transmission with the server (103).

Claim 14: See remarks for claim 7.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

Sam Rimell
Primary Examiner
Art Unit 2175